

REMARKS

The Office Action mailed April 23, 2004, has been reviewed and the Examiner's comments have been carefully considered. Claims 1 and 5 have been amended to correct a typographical error. Claims 1-5 and 7-17 are pending and are submitted for reconsideration.

35 U.S.C. § 103 Rejections

Claims 1, 7-9, and 15 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,744,776 (Bauer) in view of German Patent No. DE 298 13 528 U1 (Gaubatz). Claims 2-4 are rejected under 35 U.S.C. § 103(a) as unpatentable over Bauer in view of Gaubatz and further in view of Canadian Patent Application No. 2,205,284 (Towler). Claim 5 is rejected under 35 U.S.C. § 103(a) as unpatentable over Bauer in view of Gaubatz and U.S. Patent No. 4,920,495 (Pilkington). Claim 16 is rejected under 35 U.S.C. § 103(a) as unpatentable over Bauer in view of Gaubatz and further in view of German Patent No. DE 44 24 686 A1 (Hoormann). The rejections should be withdrawn because a *prima facie* case of obviousness has not been established. In particular, there is no motivation to combine the cited references.

The Office Action asserts that Bauer discloses "providing a cutter 18; placing the airbag with the decorative layer 118 facing down on the support; and cutting a tear line of a predetermined pattern." (Office Action at p. 2.) The Office Action admits that Bauer does not disclose a blade (as called for in claims 1 and 5) but cites Gaubatz as disclosing "the use of a blade 10 for the purpose of reducing deformations and stresses in the leather structure" and contends that it would have been obvious to modify the cutter of Bauer by providing a blade as taught by Gaubatz to reach the claimed invention. (Office Action at p. 2.) The proposed modification, however, is contrary to the express teachings of Bauer and, therefore, would not have been adopted by one of ordinary skill in the art.

Bauer expressly teaches away from using a mechanical cutting device such as a blade. As explained in Bauer, "[i]t is difficult to accurately and reliably control the depth of mechanical cutting of component materials such as sheet vinyl, since the material is variably compressed by the pressure of a cutting instrument." (Bauer at col. 2, lines 50-53.) Bauer further explains that "a purely mechanical cutting operation . . . has other inherent accuracy

limitations and is slow to execute.” (Bauer at col. 2, lines 57-59.) To overcome these problems, Bauer discloses laser scoring an automotive interior trim piece that overlies an airbag receptacle to preweaken an internal groove after the trim piece has been molded or otherwise formed. (Bauer at col. 5, lines 13-15, 33-38.) “A laser beam [can be] controlled and guided so as to produce grooves of a precise depth and width formed by the laser beam energy into the undersurface of various trim piece cover materials such as a vacuum formed sheet of vinyl.” (Bauer at col. 3, lines 32-38.) The Office Action’s assertion that it would have been obvious to modify “Bauer’s cutter by providing the blade as taught by [Gaubatz]” would conflict with the teachings of Bauer and would render Bauer unsatisfactory for its intended purpose. *See* M.P.E.P. § 2143.01. Thus, there is no motivation to modify Bauer in view of a reference such as Gaubatz to include a blade. Accordingly, a *prima facie* case of obviousness has not been established, and the rejection of claims 1 and 5 should be withdrawn. Reconsideration and withdrawal of the rejections is respectfully requested.

Each of claims 2-4 and 7-17 depend from one of claims 1 and 5 are allowable therewith for at least the reasons set forth above without regard to further patentable subject matter contained therein.

Conclusion

In view of the foregoing remarks, Applicants believe the application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. If there are any questions regarding the prosecution of this application, the Examiner is invited to contact the undersigned attorney at the phone number listed below.

Respectfully submitted,

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